

Application Serial No. 09/787,641
Amendment dated June 8, 2005
Reply to Office Action of March 8, 2005

REMARKS

Entry of the Amendment and reconsideration of the claims is respectfully requested. Claims 1, 9, and 57 have been amended to further clarify the invention. Claim 7 has been canceled without prejudice. The elements of claim 7 have been incorporated into claim 1. After entry of the amendment, claims 1, 4-6, 8-22, 26, and 57 will be pending. Applicant submits no new matter has been added by the amendment.

35 U.S.C. § 112, second paragraph

Claims 12 and 57 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 12 has been amended to depend from claim 8. Claim 57 has been amended to recite "a C₁₉ to C₂₄ fraction." Applicant therefore respectfully requests withdrawal of the rejection.

35 U.S.C. § 103(a)

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO92/14804. Applicant respectfully traverses the rejection.

The Examiner indicated claims 4-11, 13-22 and 26 would be allowable if rewritten in independent form including all the elements of the base claim and any intervening claims. The elements of claim 7 have been incorporated into claim 1. As amended, claim 1 recites a synthetic middle distillate cut wherein the synthetic distillate is derived from a FT primary product. Claims 4-6, 8-22, and 26 depend from claim 1.

WO92/14804 does not teach or suggest a synthetic distillate derived from a FT primary product or the claimed isoparaffin to n-paraffin mass ratios. WO92/14804 therefore does not teach or suggest all the elements of Applicant's claims.

Based on the foregoing, Applicant submits the Office Action has failed to establish a *prima facie* case of obviousness. The cited reference does not disclose all of the elements of the claims. Therefore, withdrawal of the obviousness rejection is respectfully requested.

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Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

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